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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of : **Aviad Zlotnick et al**.

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Serial No.: 10/624,663   : Group Art Unit: 3621

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Filed   : July 22, 2003   : Examiner: Firmin Backer

                             :

For   : FILE SYSTEM WITH PAYMENT FOR ACCESS TO
              RESOURCES

November 21, 2006

RESPONSE TO OFFICIAL ACTION

Honorable Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

    In response to an Official Action dated September 25, 2006, Applicant respectfully submits the following remarks. This application contains claims 1-39, all of which were rejected in the Official Action. Reconsideration is requested in view of the remarks that follow.

    Claims 1-39 were rejected under 35 U.S.C. 103(a) over Ginter et al. (U.S. Patent Application Publication 2005/0177716) in view of Reynolds et al. (U.S. Patent 7,020,888). Applicant respectfully traverses this rejection.

    Claim 1 recites a method in which a price assigned to at least one resource of a file system is recorded in

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metadata of the file system. In response to an API call from a user asking to access the resource, the user is charged, with reference to the metadata, for use of the resource in accordance with the assigned price.

Ginter describes a "virtual distribution environment" for electronic content (paragraph 0011). One aspect of this environment is a "Rights Operating System (ROS)," which is illustrated in Fig. 10. This ROS includes a file system and user API. Operation of these elements is described in paragraphs 0654-0681. The file system may contain "VDE objects," which may be used in collecting and transferring payment. The Examiner acknowledged, however, that Ginter does not teach recording the price of a file system resource in the metadata of the file system or charging the user with reference to the metadata.

Reynolds describes a system for providing an "omnimedia package," in which disparate streams of data are packaged together. The streams may include audio, video and metadata content (abstract, col. 1, lines 37-40). Reynolds describes metadata as "executable code, scripts, graphics, logos, or general data" (col. 4, lines 22-25). Reynolds's system includes a metadata processor 214 (Fig. 2), whose operation is described in Fig. 4 in connection with converting the format of an image file (col. 8, line 65 – col. 9, line 26).

Reynolds neither mentions nor suggests the use of a file system in connection with the delivery of his "omnimedia packages." Furthermore, Reynolds uses the term "metadata" in an unconventional sense, apparently to refer to any and all content other than audio and video. He makes no mention of file system metadata.

By contrast, claim 1 in the present patent application refers explicitly to "file system metadata." "File system" is a term of art, meaning "a hierarchical collection of files and file directories that are stored

on mass storage media, typically on disk, and are accessed using a predefined interface" (paragraph 0002 in the published version of the present application, US 2005/0021471). "File system metadata" are a part of the file system and typically include "information such as the file name, directory path and access permissions" (paragraph 0030). Despite the chance semantic similarity due to Reynolds's unconventional usage, there is no substantive connection between Reynolds's "metadata content," as explained above, and "file system metadata." Therefore, even if Reynolds's metadata were to include price information, it still could not have led a person of ordinary skill in the art to record a price in file system metadata, as recited in claim 1.

Reynolds, however, does not even suggest recording price information in his metadata content. Rather, Reynolds's price information is included in a "framework definition record," which is provided for each media source (audio, video or metadata) (col. 7, lines 15-17 and 35-39). His framework definition, including price, is shown as an XML file (col. 7, line 65), which is separate and distinct from the metadata content to which it may relate. Even claim 2 in Reynolds, which the Examiner cited, states clearly that a "framework definition record," which "includes price information," is created "for each element of said audio content, said video content, and said metadata content." The price information in the framework definition record is no more a part of Reynolds's metadata content than it is a part of his audio or video content.

Thus, to summarize, Reynolds fails to teach or even suggest recording the price of a file system resource in the metadata of the file system, as required by claim 1. The Examiner acknowledged that Ginter provides no such teaching either. Therefore, claim 1 is patentable over

the cited art. In view of the patentability of claim 1, dependent claims 2-13 are also believed to be patentable.

Notwithstanding the patentability of independent claim 1, dependent claims 2-13 are believed to recite independently-patentable subject matter. The Examiner cited no specific grounds of rejection against these claims, but rather dismissed them with the blanket statement that "they disclose the same invention as claim 1 and do not further limit the inventive concept in the disclosure." Applicant respectfully submits that this statement is incorrect on both technical and substantive grounds. Claims 2-13 clearly do add limitations that are absent from claim 1 and are not disclosed in the cited references. In the absence of any indication by the Examiner of specific teachings of the limitations of claims 2-13 in the prior art, all of these dependent claims are believed to be independently patentable.

Claims 14-39 recite apparatus and computer software products that operate on principles similar to the methods of claims 1-13. Claims 14-39 are thus believed to be patentable for the reasons explained above.

Applicant believes the remarks presented hereinabove to be fully responsive to all of the grounds of rejection raised by the Examiner. In view of these remarks, Applicant respectfully submits that all of the claims in the present application are in order for allowance. Notice to this effect is hereby requested.

Respectfully submitted,

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